

Message Text

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PAGE 01 VIENNA 06080 01 OF 02 281159Z

ACTION IO-14

INFO OCT-01 EUR-12 ISO-00 IOE-00 SSO-00 NSCE-00 USIE-00

INRE-00 ACDA-07 CIAE-00 DODE-00 PM-04 INR-07 L-03

NSAE-00 NASA-01 NSC-05 ERDA-05 SS-15 OES-07

CCO-00 OTPE-00 EB-07 FCC-01 OC-06 COME-00 BIB-01

AF-10 ARA-10 EA-07 NEA-10 OIC-02 /135 W

-----109873 281257Z /43

O R 281118Z JUN 77

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC IMMEDIATE 2305

INFO USMISSION NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 VIENNA 6080

E.O. 11652: GDS

TAGS: TSPA, UN

SUBJECT: OUTER SPACE COMMITTEE: DIRECT BROADCAST SATELLITES

REF: VIENNA 5097

1. SUMMARY. INFORMAL WORKING GROUP CONTINUED TO WORK ON PRINCIPLE CONCERNING "CONSULTATION AND AGREEMENTS BETWEEN STATES" DURING TWO SESSIONS 27 JUNE. DISCUSSION IN FATERNOON CENTERED ON QUESTION WHETHER CONSULTATION AND AGREEMENT OBLIGATIONS SHOULD APPLY TO UNAVOIDABLE SPILLOVER. RESULT OF THESE TWO SESSIONS WILL BE A THREE-PARAGRAPH TEXT ALONG LINES OF "NEW YORK" REPORT; A NUMBER OF LESS SIGNIFICANT BRACKETS HAVE BEEN REMOVED BUT EACH OF THE THREE PARAGRAPHS REMAINS SURROUNDED BY A SET OF BRACKETS TO SHOW THAT AGREEMENT HAS NOT YET BEEN REACHED. ASSUMING THAT THE WORKING GROUP'S RESULTS ARE FULLY PORTRAYED IN THE OUTER SPACE COMMITTEE REPORT TO BE DRAFTED LATE THIS WEEK, NEW READERS AMONG UNGA DELEGATIONS THIS FALL WILL SEE AT LEAST TWO IMPORTANT QUESTIONS REMAIN TO BE RESOLVED BEFORE THE GA IS READY TO ADOPT A DBS GUIDELINE PACKAGE; CONFIDENTIAL

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PAGE 02 VIENNA 06080 01 OF 02 281159Z

(A) THE QUESTION WHETHER AGREEMENT IS A PRECONDITION TO DIRECT TV BROADNASTING AND (B) THE TREATMENT OF SPILLOVER ISSUES. END SUMMARY.

2. DETAILS. THE WG SPENT THE AM DISCUSSING THE FIRST PARAGRAPH OF THE "CONSULTATION AND AGREEMENT" PRINCIPLE REPORTED IN THE "NEW YORK" TEXT. THE UNDERLYING ISSUE

OF THIS PARAGRAPH IS (A) WHETHER "AGREEMENTS AND/OR ARRANGEMENTS" BETWEEN BROADCASTING AUTHORITY AND RECEIVING STATES CONSTITUTE A PRECONDITION TO THE ESTABLISHMENT OF DBS SERVICE OR DBS OPERATIONS, AND (B) IF SO,, WHETHER "AGREEMENTS AND/OR ARRANGEMENTS" MEANS ARRANGEMENTS WITHIN THE AEGIS OF THE ITU HAVING AN ESSENTIALLY TECHNICAL/FREQUENCY/NON-INTERFERENCE CHARACTER OR TO AGREEMENTS OF A POLITICAL CHARACTER (PRIOR CONSENT), OR TO BOTH. AFTER EXTENSIVE DISCUSSION IN WHICH FRANCE, THE UK, ITALY, ARGENTINA, INDIA AND THE USSR MADE VARIOUS PROPOSALS, THE WG AGREED TO THE FOLLOWING TEXT OF A SIMPLIFIED PARAGRAPH READING, BEGIN QUOTE:

A DIRECT TELEVISION BROADCASTING SERVICE BY MEANS OF ARTIFICIAL EARTH SATELLITES SPECIFICALLY DIRECTED AT A FOREIGN STATE, WHICH SHALL BE ESTABLISHED ONLY WHEN IT IS NOT INCONSISTENT WITH THE PROVISIONS OF THE RELEVANT INSTRUMENTS OF THE INTERNATIONAL TELECOMMUNICATION UNION, SHALL BE BASED ON APPROPRIATE AGREEMENTS AND/OR ARRANGEMENTS BETWEEN THE BROADCASTING AND RECEIVING STATES OR THE BROADCASTING ENTITIES DULY AUTHORIZED BY THE RESPECTIVE STATES, IN ORDER TO FACILITATE THE FREER AND WIDER DISSEMINATION OF INFORMATION OF ALL KINDS AND TO ENCOURAGE COOPERATION IN THE FIELD

CONFIDENTIAL

PAGE 03 VIENNA 06080 01 OF 02 281159Z

OF INFORMATION AND THE EXCHANGE OF INFORMATION WITH OTHER COUNTRIES. END QUOTE.

THE US INTERVENED A NUMBER OF TIMES TO STATE THAT WE DO NOT SEE THE LOGIC OR NEED FOR THIS PRINCIPLE AND THAT THE FIRST PARAGRAPH SHOULD BE BRACKETED. CHAIRMAN RADEL MADE STRENUOUS EFFORTS TO RECORD CONSENSUS ON THIS FIRST PARAGRAPH, BUT IN THE END ACQUIESCED; ONLY THE US HELD OUT AGAINST CONSENSUS ON THE TEXT. THE NEXT PHASE OF THE NEGOTIATION-- DURING THE GA OR AT THE LEGAL SUBCOMMITTEE SESSION IN EARLY 1978--WILL HAVE TO TAKE UP THE "AGREEMENTS AND/OR ARRANGEMENTS" ISSUE.

3. THE WG REACHED AGREEMENT ON THE SECOND PARAGRAPH. OF THE PRINCIPLE CALLING FOR NOTIFICATION WHEN A DBS SERVICE IS ESTABLISHED AND CONSULTATIONS THEREAFTER AT THE REQUEST

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PAGE 01 VIENNA 06080 02 OF 02 281233Z
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INRE-00 ACDA-07 CIAE-00 DODE-00 PM-04 INR-07 L-03
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AF-10 ARA-10 EA-07 NEA-10 OIC-02 /135 W
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C O N F I D E N T I A L SECTION 2 OF 2 VIENNA 6080

OF A CONCERNED STATE. HOWEVER, WHEN THE US INSISTED ON
PUTTING BRACKETS AROUND THE FIRST PARAGRAPH OF THE
PRINCIPLE (ABOVE), THE USSR INSISTED ON TREATING THIS
SECOND PARAGRAPH IN THE SAME MANNER NOTWITHSTANDING THE
ABSENCE OF OBJECTIONS IN WG TO THE LATTER. SOV DEL SAID
THAT FAILING TO BRACKET WOULD GIVE THE ERRONKUS
IMPRESSION THAT THEY COULD ACCEPT A NOTIFICATION AND
CONSULTATION PARAGRAPH WITHOUT THE BASIC "AGREEMENT

AND/OR ARRANGMENTS" PARAGRAPH. THE SECOND PARAGRAPH,
SIMPLIFIED BUT UNCHANGED IN SUBSTANCE FROM THE NEW YORK
TEXT READS, BEGIN QUOTE:

FOR THAT PURPOSE A STATE WHICH PROPOSES TO
ESTABLISH OR AUTHORIZE THE ESTABLISHMENT OF A

DIRECT TELEVISION BROADCASTING SERVICE BY MEANS
OF ARTIFICIAL EARTH SATELLITE SPECIFICALLY DIRECTED
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PAGE 02 VIENNA 06080 02 OF 02 281233Z

AT A FOREIGN STATE SHALL WITHOUT DELAY NOTIFY THAT
STATE OF SUCH INTENTION AND SHALL ENTER INTO
CONSULTATIONS WITH THAT STATE IF THE LATTER SO
REQUESTS. END QUOTE.

ATTACHED TO THIS SECOND PARAGRAPH IS A SWEDISH FOOTNOTE READING "SOME DELEGATIONS PROPOSED THAT OWING TO THE WORKING OF THE PRINCIPLE ON "CONSULTATION AND AGREEMENTS BETWEEN STATES", THE PRINCIPLE ON "DUTY AND RIGHT TO CONSULT" SHOULD BE RECONSIDERED IN ORDER TO AVOID INCONSISTENCIES AND REDUNDANCIES." SWEDEN SOUGHT AN AGREED FOOTNOTE BUT SOVIET OBJECTIONS FORCED THE "SOME DELEGATIONS" FORMULA.

4. THE WG DISCUSSED SPILLOVER ISSUES AT THE PM SESSION. THESE ARISE IN THE LAST OF THE THREE PARAGRAPHS OF THE "NEW YORK" TEXT ON CONSULTATION AND AGREEMENTS. BRITISH COMMENTS REVEAL THEY BELIEVE IT NECESSARY TO INCLUDE LANGUAGE EXPLICITLY STATING THAT

CONSULTATION AND AGREEMENT REQUIREMENTS

CONCERNING THE ESTABLISHMENT OF A DBS SERVICE DO NOT ARISE WITH RESPECT TO UNAVOIDABLE SPILLOVER (I.E. SPILLOVER WITHIN ITU LIMITS). US SUPPORTED UK, AS DID

FRG. SOVIETS INTRODUCED THE SAME TEXT THEY HAD GIVEN US LAST WEEK (VIENNA 4994, PARA. U(C)) WHICH, SEEMINGLY, WOULD REQUIRE CONSULTATION AS TO UNAVOIDABLE SPILLOVER WHENEVER NEIGHBORING STATES SO REQUEST. (THIS WAS UNACCEPTABLE, E.G., TO THE WEO'S BECAUSE OF ANTICIPATED SPILLOVER FROM DOMESTIC, NORDSAT OR ESA SERVICES) NO AGREEMENT WAS RECORDED. THE WG REPORT CONFIDENTIAL

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PAGE 03 VIENNA 06080 02 OF 02 281233Z

WILL LIST SIX ALTERNATIVES: (A) THE "NY TEXT", I.E., "NO SUCH AGREEMENTS AND/OR ARRANGEMENTS SHALL BE REQUIRED WITH RESPECT TO OVERSPILL OF THE RADIATION OF THE

SATELLITE SIGNAL WITHIN THE LIMITS ESTABLISHED UNDER THE RELEVANT INSTRUMENTS OF THE ITU." (B) THE BRITISH PROPOSAL WHICH IS THE NY TEXT WITH THE ADDITIONAL WORKS "OR CONSULTATIONS" INSERTED FOLLOWING THE PHRASE "AGREEMENTS AND/OR ARRANGEMENTS." (C) THE SOVIET PROPOSAL THAT "NO SUCH AGREEMENTS AND/OR ARRANGEMENTS SHALL BE REQUIRED IN THOSE CASES IN WHICH THE COVERAGE OF THE TERRITORY OF A STATE BY DIRECT TELEVISION BROADCASTS INTENDED BY ANOTHER STATE FOR ITS OWN POPULATION IS DUE TO THE OVERSPILL OF THE SIGNAL BEYOND THE PLANNED

SERVICE AREA IF SUCH AN OVERSPILL IS PERMITTED UNDER THE RELEVANT INSTRUMENTS OF THE ITU." (D) AN INDIAN PROPOSAL READING "NO SUCH AGREEMENTS AND/OR ARRANGEMENTS SHALL BE REQUIRED WITH RESPECT TO SERVICES NOT SPECIFICALLY DIRECTED AT A FOREIGN STATE WHICH RESULT IN AN OVERSPILL

OF THE SIGNAL WITHIN THE LIMITS ESTABLISHED WITHIN THE
RELEVANT INSTRUMENTS OF THE ITU." (E) A PROPOSAL BY
ARGENTINA AND THE CHAIR TO DELETE THE SPILLOVER
PARAGRAPH; USSR SUPPORTED AS A SECOND PREFERENCE

IF (C) WERE NOT ACCEPTED. (F) A CANADIAN PROPOSAL
READING, "THIS PRINCIPLE SHALL NOT APPLY WITH RESPECT
TO THE OVERSPILL OF THE RADIATION OF THE SATELLITE
SIGNAL WITHIN THE LIMITS ESTABLISHED UNDER THE RELEVANT
INSTRUMENTS OF THE ITU.". THE US, UK AND FRG SUPPORTED
THE CANADIAN PROPOSAL. MEEHAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Current Classification: UNCLASSIFIED
Concepts: COMMITTEE MEETINGS, SATELLITES, MEETING REPORTS
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Disposition Approved on Date:
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Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
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Executive Order: GS
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SAS ID: 2274939
Secure: OPEN
Status: NATIVE
Subject: OUTER SPACE COMMITTEE: DIRECT BROADCAST SATELLITES
TAGS: TSPA, UN, OSC, OUTER SPACE COMMITTEE
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/84a3b784-c288-dd11-92da-001cc4696bcc
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